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“What this community needs...”

an anthology of advocate's views

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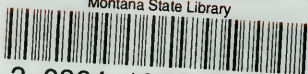
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"What This Community Needs..."

An Anthology of Advocate's Views



Edited by

Lauren S. McKinsey
and
James J. Lopach

STATE COMMISSION ON LOCAL GOVERNMENT

FEB 9 1989

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PREFACE

Variety and flexibility are key ingredients in the unprecedented Montana Voter Review process. Each county and municipality has the opportunity to tailor a form of government that suits its own needs. The range of choice is virtually unlimited; if a governmental form exists anywhere in the United States, it is available during Voter Review. Moreover, a study commission can propose some forms which are entirely new to both Montana and other states.

For many study commissioners, consequently, the problem is not one of adequate choice but rather how to narrow the range of available alternatives. Each of the alternatives has its good points and, arguably, its weaknesses. In the essays which follow, some philosophers and practitioners of local government in Montana help frame the choices. They solidly endorse a governmental option which they believe has real promise for Montana local governments. Their advice can help resolve some of the dilemmas faced by city and county study commissioners sincerely dedicated to determining "what this community needs."

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MIKE MICONE

The framers of the United States Constitution provided for a single, elected executive close to 200 years ago. The office of the Presidency has come to represent, more than any other national official or institution, the aspirations of all the American people. Similarly, the 1889 and 1972 Montana Constitutions provided for an elected executive official, the state governor, to oversee Montana's administrative apparatus. The governor represents and speaks for the entire state while legislators are tied to the interests of their districts. The city or town mayor is in this same tradition. He is a local government executive who is doubly democratic, being chosen by the people of a community from among themselves. This secure linkage between a strong policy leader and the people's public needs and desires is the heart of the commission-executive governmental form.

People today are more concerned with the power and responsibility of their governmental officials than they were a decade ago. This awareness is the legacy of Viet Nam and Watergate. Some citizens have become cynical as a result of executive abuses of power and advocate reducing the power of officials. The more thoughtful response, I think, is ensuring that the power of officials is visible to the citizenry and that its exercise is accountable directly to the voters. These seem to be fundamental principles of good government and, probably, most realizable at the local government level. The Montana Voter Review process is an opportunity for all of the state's counties and municipalities to make these principles a part of their local governments.

During local government review, Montanans should ask themselves exactly what difference a change in governmental form

would mean for their communities. This question could take one of several possible formulations: Should we have a "weak" mayor who allows administrative responsibility to be divided up among the various aldermen? Should we have a board of several commissioners who decide among themselves how administrative responsibility will be shared? Should we have a city or county manager, probably brought in from outside the community, to whom complete administrative power is entrusted and who is answerable only to the local government commission? Or, (and this obviously is what I favor) should we have a "strong" mayor or elected county executive who clearly is mandated to take charge of governmental administration, supervise budget-making, initiate changes, keep the council informed, set the public agenda, select key administrative personnel, speak in Helena for the people, and who is directly accountable to the electorate at regularly scheduled elections? I frankly do not see how good government, that is, efficient and democratic government, can be structured in any other way. And, these are not just textbook observations. They are the conclusions of my years in public office.

One frequently heard criticism of the mayoral form of government must be answered. Skeptics question that competent persons will make themselves available to serve in this office. As a result, they charge, a substantial amount of power will fall into the hands of an incompetent person or a political hack. The American experience shows, however, that where the mayor or executive is compensated at a level commensurate with his responsibilities and where the office is given the power to make it a challenging and effective position, recruitment of qualified candidates is no problem. Then it becomes the people's burden to make the best choice from among the contenders.

The commission-executive form is desirable because its essential features are a response to the dual nature of government. Government at any level involves both running things (its business side, if you will), and representing people. The position of "strong" mayor or county executive is uniquely designed to carry out both of these fundamental functions. First, sufficient authority is provided to allow for responsive and efficient services. It should be pointed out, however, that executive power is separated from legislative power and the council is present to check executive abuses. Secondly, election insures a sensitivity to the people's problems as well as to the bottom line of ledger sheets. Because there is a single executive, the media and the public can focus their attention on the person who clearly has the power to act. The executive, because he is a politician and not merely an administrator, will stay in touch with the citizenry and not treat them as mere consumers of public services.

In summary, the executive in the commission-executive form is given the authority to act but he is held responsible for his actions. Such a clear line of authority can only lead to better management and performance of functions. The citizen will know which person is totally responsible and will know where to fix blame if functions are not carried out in the proper manner. Such knowledge can only lead to a better delivery of services to taxpayers and citizens.

THE MAYOR-ALDERMANIC FORM: SHARED RESPONSIBILITY

ROBERT L. DISSLY

Most Montana cities and towns have been governed for years under the aldermanic form of government. This form often is referred to as the "weak mayor" form of local government because of the overlapping or sharing of powers between the mayor and the elected council. The powers given the council under this form have been quite substantial both in practice and under Montana law; the term "weak mayor" has nothing to do with the individual's physical strength nor his ability to use persuasive influence on those around him. In principle, the aldermanic or "weak mayor" form presents an ideal balance of powers between the executive and the legislative branches of municipal governments. It is Montana's way of providing balanced government in the American tradition and has been widely accepted since Montana's inception as a state. For these reasons it deserves to be retained in our cities and towns.

The mayor is the executive and administrative head of the local government. He can provide both political leadership and administrative coordination to the degree that each is desirable in a particular city or town. He can make policy recommendations to the council and can veto ordinances and resolutions which he believes are not in the interests of the community. The council may override his veto by a two-thirds majority. The system provides adequate checks by the legislative and executive branches on each other and helps guarantee that any important decision will receive full and complete consideration by ALL the elected officials charged with this duty. This prohibits any one individual with extreme views from dominating an issue.

The mayor in this system makes all appointments and dis-

missals of department heads and other non-elected officials. The council must approve these appointments and removal decisions, giving it control over arbitrary decisions the mayor might make. The mayor also directs the day-to-day business of the local government, but the council may take an active role in supervising some of the administrative detail. This division of authority between the mayor and the council allows each to complement the other in arriving at wise and workable decisions and getting the administrative workload accomplished. This is an important consideration in medium or small-sized cities and towns where the mayor cannot afford to devote full time to the duties of the office.

The system also provides for a balance of powers and responsibilities in the fiscal area which may be the ultimate authority in any government. In the aldermanic form, the power to raise and spend money is left to the elected council which is broadly representative of the entire community. While the council adopts the basic budget, the mayor is required to submit periodic financial statements to the council. This means the mayor probably has the best grasp of the overall financial needs of the city and can play an important role in helping to create the budget, while the council has final approval authority. The flexibility of the system, therefore, allows both the mayor and the council to play a role which reflects their abilities, interests, and time.

The aldermanic form emphasizes the importance of the council as the policy-making and overseeing body of the community. The council has authority to make important decisions affecting the community since it is broadly representative of all of the interests in the community. The mayor, on the other hand, is selected by only a bare majority of the voters. Councilmen have some responsibility for supervision of administration because they are charged with seeing that tax dollars are wisely

spent and because intelligent policy-making requires knowledge of how policies are actually implemented

The aldermanic system has fostered a good partnership between mayors and councilmen. It has allowed for leadership to be provided by either the mayor or some of the councilmen, depending on who seeks and wins the various offices. In practice it has allowed mayors to assume the amount of leadership and authority, within limits, necessary to get the job done. Unlimited power can be detrimental to a leader when special interest groups discover this situation. The pressure applied by these groups can be overwhelming on an official who has limited time and energy to deal with them. In the aldermanic form, responsibility is shared, and the mayor has an ally -- the council -- with which to withstand the pressures of special interest groups. And the flexibility in the system also allows the mayor to strengthen his administration by drawing on the talents, counsel and advice of council members.

In summary, the mayor has the choice: he can provide leadership, become a central budgeting and administrative figure, and function as the core of the system. Local governments thereby get the most out of their elected officials because energetic and expert citizens can be recruited for either the council or the post of mayor. Partnership, balance, and flexibility are the words to describe the working relationship between the mayor and the council in the aldermanic form in Montana. But, the key descriptive term might well be workability -- the concept that recommends retention of this form of government in Montana municipalities.

DON HARRIOT

The city manager plan is the fastest growing form of local government in the United States. More than 2,300 communities have adopted the plan since its inception in 1908. It is the most popular plan in communities of more than 10,000 citizens. But even smaller communities are recognizing its merits: 451 cities between 2,500-5,000 population have managers and 282 communities smaller than 2,500 have managers.

Four Montana cities have embraced the city manager plan. They are Bozeman, Great Falls, Helena, and Missoula. Missoula's experience with the form was short-lived; the community reverted to the aldermanic form after a brief trial period. Great Falls opted for the form in 1972 in order to gain fiscal control of a bureaucracy that had brought the city to near bankruptcy. Bozeman and Helena have had the plan for many years and can be considered firm in their convictions that it is the best form of local government. They are not likely to join the less than 4 per cent of the communities in the nation which have abandoned the plan.

The City Manager Plan is More Efficient

A survey published in Nations' Cities in 1971 reveals the impact on cities which switched government forms in 1963, 1964 and 1965. The data shows the adoption of the city manager plan is likely to bring about administrative and fiscal changes that appear less frequently in cities using other forms of government.

General administration is one of the big areas of improvement. The study found that 77 per cent of the manager cities had made a major change in budgeting procedures; however, only 29 per cent of the non-manager cities had initiated such changes. The proportion of manager cities utilizing a centralized purchasing operation rose from 16 per cent to 91 per cent compared

to figures of 40 per cent and 60 per cent for non-manager cities. These changes in administration were considered by community leaders to be effective in making better use of revenues: 89 per cent reported improvement over the previous government administration in this respect.

Long range planning was given more emphasis in the manager cities. Within five years after adopting the plan, 90 per cent of the cities had a new master plan or had updated an existing plan compared to only 35 per cent in non-manager cities.

A significant increase in spending for capital improvements was reported by the manager cities. Of those reporting, 70 per cent stated that increases had been made in capital expenditures; of these, 54 per cent increased by more than 50 per cent. Over 43 per cent of reporting cities increased capital expenditures without a tax increase. Conversely, 50 per cent of non-manager cities increased capital expenditures; these figures also tended to be smaller than the increases in manager cities.

These results indicate that the city manager plan improves the efficiency of administration. Admittedly, some of the surveyed cities started from a point of great need. The fact that they could marshal popular support for a sweeping change in their form of government frequently is indicative of deep dissatisfaction with the "status quo." Nevertheless, the degree of change documented by the data is significant. Furthermore, the ability of the manager plan to help cities make capital improvements without tax increases indicates that the new governments were able to produce more output with the same input than had their predecessors.

A main reason for increased efficiency is the promotion of professionalism. Socrates said, "No man undertakes a trade he has not learned, even the meanest; yet everyone thinks himself sufficiently qualified for the hardest of all trades--that of government." One of the measures used to evaluate almost every

profession is the educational background of the members. Today 76 per cent of all city managers hold college degrees; 45 per cent hold a graduate degree.

Today's cities are complex organizations. Necessary inter-governmental relations increase the difficult tasks of administration. The running of a city, regardless of the governmental form, is not a one-person task; it is a team effort requiring many special talents. Manager plan cities demonstrate that when there is a professional at the top, more professionals are recruited to department heads and other key positions in the organization. And one of the best endorsements of the manager plan is the increase in professionalism it has spurred in other forms of local government. As R. Paul Boynton, Director, Doctoral Program in Public Management at the American University in Washington, D.C., recently noted: "The adoption of professional management within the mayor-council form is a result of the presence and success of the council-manager form. Imitation is still the sincerest form of flattery."

The City Manager Plan is More Responsive

The lines of authority and responsibility within the manager plan are very clear. The legislative group--with data, information, and advice supplied by the manager--sets policy. The manager implements the policy. The will of the majority is served automatically if there is proper representation on the commission. Knowing that he serves at the pleasure of the commission, the manager necessarily conducts his office and the affairs of the city accordingly. Knowing that his job depends on maintaining the general support of at least a majority of the commission, he is constantly mindful of a higher authority that cannot be ignored. That the elected officials remain supreme over the appointed official is one fundamental aspect of the manager plan. Therein lies the guarantee of responsiveness.

Being relieved of administrative details, the mayor and the legislative group have more time to meet their political responsibility of providing leadership in policy formation and more opportunity to hear from and react to their constituents. Because they are not a part of the administrative effort, the commissioners are not prejudiced towards a particular service, function, or process. The result is more impartiality in the delivery of services; greater flexibility is possible and more innovation is likely.

The manager plan reduces buck-passing. In the aldermanic form, there is the mayor, the council, and the staff. Whenever anything goes right, everyone wants to take credit; when things go wrong, all three blame someone else. Moreover, the mayor is often in an untenable position, for if he sides with the staff, he loses political support among the council. If he goes against the staff, his administrative leadership is eroded. There is a triangle in which the forces cannot be balanced.

There are only two elements in the manager plan: the elected policy makers and the appointed administrator. The "buck" stops at the manager's desk in most cases because he knows that if he continually passes it on to the elected officials, he won't stay manager very long. He also knows that if he tries to be all things to all people, he won't accomplish his goals, either. So he is forced to deal with issues as they arise in the administration of affairs of the city.

A manager can be fired at anytime. How do you fire a mayor who lacks the ability to perform? Obviously you don't, you must wait until election time to replace him. This is not responsiveness or accessibility. The Nations' Cities study discovered that in 76 per cent of the cities, people outside the city government found the manager was more accessible than his predecessors in the previous form of government.

Conclusion: The City Manager Plan is the Logical Answer

The guiding principle associated with the manager plan and one around which the plan has evolved has been stated by the International City Management Association: "the expectation of quality and impartiality in the delivery of municipal services and the appropriate application of knowledge to the solution of local problems." When a community accomplishes that for itself it has an efficient and responsive government.

The result of effective governing relationships developed between a community, its council or commission, and the professional city manager, is the development of community support, the articulation of community needs, and the effective implementation of acceptable and reasonable solutions to problems requiring local government action. Taken as a whole, manager plan cities have better exhibited these qualities of effective urban management than have any other forms.

The city manager plan is a logical approach to providing responsive (and responsible) administrative leadership for the operation of municipal business. The tasks of running a city have become more and more complex over the years as the rate of change has quickened. The city manager plan offers a dynamic answer to the challenges of modern urban needs. It can provide leadership to identify the services needed, and it is noted for delivering those services impartially.

COMMISSION CHAIRMAN: LOCAL PARLIAMENT

ROBERT L. KELLEHER

Only 30 per cent of the eligible voters went to the polls in the off-year general election in 1974, as compared to 55 per cent in 1972 and 60 per cent in 1968. The last mayoralty race in Billings attracted five candidates but only 18 per cent of the electorate. If this is a valid trend, no Americans could be voting by 1980.

There are three major components in our political structure: the voters, the candidates, and the system. The candidates are largely people of the highest calibre and integrity but the voters are disenchanted with what is going on. The explanation may lie in the system. We did not need Watergate to appreciate the disaster of combining weak political parties with the separate election of executive and legislative branches. There are examples of government mismanagement closer at hand.

In the fall of 1974, \$500,000 suddenly was unaccounted for in the Billings budget. Threats of meat-axe cuts and mass layoffs roared out of the mayor's office. Responsibility for the monetary error was denied by the clerk's office, the mayor, and the 10 alderpersons. If the City of Billings had a strong party government, such as might be attained under the commission chairman form, a half million dollars might not have been "lost."

Strong partisan government, which can be stimulated by the commission chairman form, is a proven vehicle in free world parliaments by which voters can hold officials responsible. Prior to an election, parties offer the voters a platform explaining where the money is coming from (type of tax) and how it is going to be spent (social services, police, etc.). The leader of the party successful in the election becomes the chief executive (in the commission chairman form, this person would be chosen by the other commissioners to be chairman of the

(commission; the chairman is both a strong executive and a voting member of the commission). He can delegate his authority -- not his responsibility -- to a professional administrative assistant. Under this system, issues -- not personalities -- could be paramount. The popularity of the chairman -- whether he "captures the imagination of the people" -- is irrelevant, because voters only elect a city or county commission of five members or more. The chairman is chosen by his fellow commissioners (not the people) because he is the most articulate spokesman for the party's position and the person most capable of implementing the party platform.

There is no assurance, of course, that commission candidates of the same party would run as a team or that the commission majority would work together with their chosen chairman as a smooth policy unit. There is good reason to suppose, though, that the opportunity to conduct a local government without partisan strife and executive-legislative division would prompt such close cooperation.

There are other beneficial offshoots of this form. If the chairman's administration comes up short, the minority opposition leader will quickly let the voters know about it. They in turn can show their displeasure at the next election. The present systems -- mayor-aldermanic and county commission -- foster lax administration and headless government and thus are fair to neither public employees who fear for their jobs nor tax-paying voters.

A superb example of the evils of weak political parties and why they are espoused by lobbyists and special interest groups is found in Nebraska. George Norris, elected to the House in 1902 as a Republican, a supporter of progressive candidate LaFollette in 1924, and re-elected to the Senate as an Independent in 1936, believed and taught that "of all the evils in Government, the greatest is partisanship." For this

reason, the father of Nebraska's laudable unicameral legislature imposed non-partisan elections upon it. What has happened since?

The 1970 Citizens Conference on State Legislatures rated Nebraska's one-house legislature first in the nation in accountability but only 30th in independence and a low 35th in efficiency. On the subject of accountability, the Conference said a single house, small size (49), and single-member districts make the Nebraska Legislature the least complex and one of the more comprehensible state legislatures in operation. However, when a representative of the Nebraska Legislature spoke at the Montana Con Con, he described the 49 senators as "all chiefs, and no Indians" because they are not elected on a partisan basis. They owe fealty to no party leader.

The Citizens Conference rated the Nebraska Legislature very low in independence because it was at the mercy of lobbyists and special interest groups. And, because there is no responsible leadership and, just as important, no responsible minority, its efficiency was found to be even lower.

The Conference had this to say about the value of partisan identification:

One of the prime purposes served by a legislature is that of focusing public attention on major questions of resource allocation. Another primary legislative purpose is to protect the legitimacy and insure the existence of an opposition. These objectives would seem to be particularly difficult to achieve in the nonpartisan Nebraska system. The Constitution should be amended to provide for the partisan identification of candidates for seats in the state legislature, and the legislature should organize on the basis of a majority and minority along partisan lines.

A superb apologia for the kind of government which could flow from the commission chairman forms is found in Presidential Power and Accountability by Charles M. Hardin:

Many of America's political ills would be helped if not cured by party government. A majority party would then dominate the executive and legislative departments. It would play the prime role in concerting and enacting policies, its unity permitting its principal officers to oversee and if necessary overwhelm the bureaucracy to make sure that the will of the government is executed...A minority party...should monopolize the opposition; not only would it be in excellent position to criticize the government but it would also be constrained by the expectations of the press and the attentive public to prepare alternative policies.

For these reasons it is my belief that counties and municipalities would be better governed under the commission chairman form organized by the members of one of the two major parties. The law should make it almost impossible for a candidate to run as a so-called "independent" who owes no allegiance to a party platform. Every candidate seeking a seat on the city or county commission can find a home in either the Democratic Party or the Republican Party. After he has chosen the political party most closely akin to his own philosophy, it is up to him to persuade the other members of his party to his point of view on how to raise revenue and how to spend it. Once a party consensus is achieved, commission chairman government would provide an efficient vehicle for implementing the policies laid out in the platform and chosen by the voters. Such partisanship government would make politics and government more understandable: the people could more easily decide to either retain the incumbents or give the policies of the opposition a chance. Special interest groups would have their say with the incumbent party team and not behind closed doors with candidates who are responsible to nobody. The Voter Review commission chairman form does not guarantee that local politics would be transformed as described above, but it does offer the chance to develop genuine parliamentary principles.

COUNTY COMMISSION: A PROVEN COMMODITY

THE BEAVERHEAD COUNTY ELECTED OFFICIALS

For all the talk about managers and elected county executives, it remains true that nearly 90 per cent of all counties in the United States operate under the traditional commission form of government. All but one Montana county has used this method since counties were created. As in the nation as a whole, the Montana experience has shown that the form works to give county residents the kind of representation and services they want. There seems to be no need to change a system that has proven itself over time right here in Montana.

The main features of the commission form in Montana are the election of a plural executive (3 commissioners) and up to 11 other county officials (sheriff, treasurer, clerk and recorder, county attorney, assessor, auditor, superintendent of schools, clerk of court, surveyor, public administrator and coroner). The advantages of this kind of system are obvious: the features are consistent with tested democratic principles. A large number of elected positions gives the public the maximum opportunity to control their public officials. An official who is not performing according to the requirements of the office can be removed directly by the people. The fact that each official realizes this fact means that he or she is more responsive to the wishes of the public. A basic principle of democracy is that the people themselves have enough common sense, awareness, and interest to elect county officials who are both honest and hard working.

This system of independently elected officials also works according to the American tradition of checks and balances. Power is not concentrated in the hands of one or a few officials. Officials feel pressure not only from the electorate but from other officials as well. Commission decisions require a

majority vote, and so the commissioners are able to remedy any abuses of power on the commission itself. This check also exists with respect to other offices, although usually there is no need for this kind of oversight since the set of officials learns to work well together as a team; the commission form promotes mutual assistance among all officials to serve the best interests of the county.

The commission form helps to avoid one of the chief problems of government at other levels: conflict between the legislative and the executive branches. This conflict is very apparent today at the national level between the President and the Congress. Cities and towns often experience conflict of this kind when the executive (mayor) and the legislature (council) are of opposite political parties. The result is inaction. This problem doesn't exist at the county level because the legislature and the executive are the same. The fact that the commissioners both make and administer laws at the county level is a real asset. Too often laws are made by people who know nothing about the problems of implementing them. The fact that county commissioners are involved daily in administration makes them better able to pass new laws wisely.

The commission form also provides for good representation. Each part of the county has its own voice on the commission and can make its interests heard. At least one of the commissioners is available to hear complaints and receive recommendations. Each of the other elected officials is on duty to respond to citizen inquiries. This feature is probably a main reason why county government is widely held as friendly, accessible, and responsive. The county courthouse is still a place where citizens can come and know officials will be there to hear them out.

In actual operation, the commission form allows for considerable flexibility in the exercise of duties. Each commissioner may develop a particular area of expertise. One may become

familiar with roads and bridges, another may be the representative to state meetings, a third may be the expert on recent changes in laws or codes. Actual practice shows that the strengths of the different commissioners complement each other. The fact that two commissioners are held over after an election means that an experienced majority will always be there to provide necessary continuity in the county operation.

There is often talk about the problems with the county commission form. Just because each official is responsible directly to the public instead of to one executive or manager does not mean that the whole group does not work as a team. Independent election means that the people can identify clearly each official who is responsible for each job in the county and directly remove those who do not perform. Among elected county officials there is a strong sense of responsibility to the electorate for providing services and to other elected officials for seeing that everything runs smoothly.

The system has worked. It is not outmoded, as some criticism suggests, but rather has improved over the years and retains the capacity for continued improvement. Under the current form, it is possible to combine offices or to hire an administrative specialist. Why abandon an entire system which has proved adaptable in favor of some so-called streamlined form? The strength of government is in the people who serve; county commissioner government attracts committed people who put in more than full-time because they believe in serving the people who elect them to office.

THE COUNTY MANAGER: A COMMISSION SUPPORT SYSTEM

WALTER SALES

A very fundamental problem confronts county government in Montana: what citizens and county officials want in the way of government, they have not been empowered to get. The first part of this statement, the governmental goal, is easy enough to express: local government must react to local needs by providing responsible leadership and delivering quality services in an equitable manner. All who are actively engaged in the administration of county government in Montana are willing to pursue this goal. Unfortunately, it simply has not been possible to achieve under existing government structures and law.

The second part of the statement, the opportunity and ability to realize this basic governmental goal, has been all but non-existent in Montana until the present day. But, this is the era of "local government review" in Montana, and our leaders are saying changes can be made and such a goal can be achieved. The local government Voter Review process is the vehicle to provide responsible leadership and effective services. My belief is that this vehicle should deliver to many Montana counties the manager system plus self-government or "home rule" powers. This short essay will focus on these aspects of Montana counties today: 1) some specifics about what good government amounts to, and 2) some indication of how county manager government can bring into reality these qualities, especially when the manager system is backed up by self-government powers.

At the bare minimum, good county government includes the following:

1. Money. Money should be raised locally based on local determination. Only by wanting something badly enough to pay for it can we act responsibly.

2. Authority. Authority means the ability to act upon and react to local problems and demands promptly with knowledge of local conditions.
3. Election of those in final authority. The election process is still the best proven method of assuring integrity in the governmental officials who actually make public policies.
4. Fiscal accountability and responsibility. The present policy of state and federal handouts to local governments based on broad-brush planning and generalized needs, coupled with the local units' sole reliance on the property tax, has made a farce of equity in pricing county services. Fairness and equity can be approximated only by the full use of all potential tax sources at the local level. It is extremely important that responsibility for levying a local tax be placed on the shoulders of local officials. If they don't have courage enough to ask their constituents for the money, obviously it is not deserved. The project is not worthy if the public cannot be convinced of the need by its political leaders.
5. Professionalism. Counties, like corporations, must possess the administrative expertise to handle the complex problems confronting them.

What I have stated above sounds so simple that many people actually believe this is the way county government works right now. Of course, anyone with any experience in county administration can readily demonstrate how unrelated our present operation is to these basic principles. Actually, 1) little budgeting is based on local need determined locally; 2) very little money raised is approved by local voters; 3) very, very limited authority rests with local officials; and 4) few counties have any professional management capability.

The pertinent question for Montana residents is, "What is the next step?" There is no disagreement with the basic principles of responsible leadership and delivery of quality public services in an equitable manner. What is needed is for county officials to be given the wherewithal, which, in my estimation, consists of a manager system coupled with self-government powers. Then, as every present county commissioner well realizes, it would be a whole new ball game.

The constitutionally spawned Voter Review process has provided the opportunity and the Montana legislature has provided the means of achieving greater local autonomy and professional county management. If the local study commissions present such an alternative and if the voters approve, then things are going to change. No longer will the large counties feel comfortable electing people to the county commission who haven't anything more important to do. Suddenly the administrative branch will have real administrative powers and duties, and professional management in local government will become an outright necessity. I predict that qualified county managers are going to become extremely popular in Montana. And, this occurrence will remove the necessity for full time commissioners in larger counties and open the position to more qualified community leaders.

I do not mean to imply that smaller counties don't need managers. But since commissioners in these counties are not required to be full time, the smaller counties are now served by some of the best qualified elected officials that can be found at any level of government. However, if self-government powers are adopted during Voter Review, even commissioners in the rural areas are going to be faced with enormous new responsibilities. Some of the problems will seem overwhelming, the technology often incomprehensible, the complexity of institutions and relationships staggering and, as usual, citizen expectations will be great. A county manager in such a situation will obviously

be of great assistance.

Local government review can bring about an era that is both challenging and fun for all county commissioners who have the support of a professional manager. As noted in the briefing papers of the 1975 International City Management Association conference, this professional manager will provide the following support for the policy makers, the elected county commissioners:

1. Staff assistance for the legislative process. The manager provides commissioners with the background information necessary to carry out their function and guidance in the setting of county goals and objectives;
2. Facilitation of the legislative process. The manager promotes good working relationships between the commissioners through holding special orientations so that commissioners fully understand their duties and responsibilities.
3. Promotion of community involvement in decision-making. The manager is a key figure in this increasingly important policy-making aspect of the commissioners' job; and
4. Enhancement of effective communications with the public. The manager will provide commissioners with much needed assistance in communicating through speeches and printed and electronic media.

Everyone recognizes the need for political leadership in local government. It should be obvious that the commissioners who must provide that political leadership must have support systems. That support can best be gained through the use of a professional manager.

DANIEL H. HENNING

The complex problems that Montana cities and counties face require the appointment of professional managers in the place of elected administrators. The quality of local government, especially its ability to anticipate and handle problems effectively, depends on the professionalism of its personnel. This is particularly true for the top level of city and county government; otherwise, the entire local government system cannot approach its potential for problem solving. Professional training and experience in public management could make all the difference in the world in terms of efficient and economical government.

Basically, professionalism or merit means something of quality and excellence for the situation or position at hand. Under "merit only" considerations for recruiting a local government administrator, applicants automatically are placed on a competitive and comparative basis by the city or county commission. Further, if the selected candidate fails to perform in a competent fashion in administering the local government, the commission can dismiss him at any time. But, in the case of an elected mayor who often has little background in government administration, the voters and commission must suffer through his tenure of office. It simply requires too much time and trouble to recall an individual from an elected office.

A majority of city personnel in the United States are under some type of merit system which Professor O. Glenn Stahl, a personnel expert, defines in Public Personnel Administration as one "in which comparative merit or achievement governs each individual's selection and progress in the service and in which the conditions and rewards of performance contribute to the competency and continuity of the service." With most city

personnel operating under the merit system, it is certainly reasonable to expect that the head of the local government would be selected and retained under the same criteria rather than substituting political considerations for professional qualifications and merit.

The argument for an appointed local government manager on the basis of merit calls for making the entire administrative system adhere to professionalism. This is not to say that a manager could always avoid being a political administrator; an individual in this position would certainly be involved in political/policy decisions. Thus, the American Society for Public Administration said in 1970:

The jamming together of policy and administration raised an eyebrow a generation and a half ago; now it is so much the case that the administrators make up a very high proportion of the policy-makers....Public executives, taken as a group, have not yet awakened to the fact that they are in charge....If they don't have the answers, we're lost.

However, in keeping with representative democracy, the local government commission would retain the function of prescribing broad and general policies as a framework for the policy-making of the manager. Within these policy guidelines of the commission, the manager would have the necessary latitude to make public policy, based on professional judgment, for effective administration of the local government.

The actual day-by-day administration of local governments demands expertise and professionalism which only the manager can provide. Heads of local government are called upon today to handle a variety of public problems and programs ranging from budgets to environmental planning. They are called upon both to be administrative specialists and to handle the specialists on the administrative team.

Elected local government administrators ordinarily do not come with these qualifications. A majority of voters in a

typical, low-turnout local government election may provide political support, but certainly cannot guarantee professionalism. And, an elected executive is naturally preoccupied with politics and the next election. Furthermore, some mayors, for example, may become mere figureheads or public relations functionaries and devote little effort or time to policy-making or actual day-to-day administration of the city government. The professional city manager, without these political constraints, can use his time for actual administration.

The professional public manager needs a certain kind of training, namely public administration rather than business administration. Although many may insist that "management is management," the two areas have entirely different objectives. The former is oriented toward the public interest and the latter toward profits. Public service, responsibility, and accountability especially fit within the role and scope of public administration. The goals of public administration include social and environmental values, moving government from a "closed" system to an "open" system, public participation, responsiveness, and a development of public-spirited ethics.

The appointed manager, therefore, has definite advantages over the elected local government administrator. The manager has a professional base and a public administration career commitment. As a trained and qualified public administrator, the manager can command the respect of city personnel who, in turn, are becoming more professional and specialized. Free from political obligations of an elected office, a manager can deal with issues and problems on a more objective basis. And, the local government commission has the assurance that it is bringing its actions and citizen problems to the attention of a professional administrator who has earned the right to be there "on the basis of merit only" rather than through dependence on politics.

TOWN MEETING: PURE DEMOCRACY IN ACTION

FRANK M. BRYAN

Jefferson said the "town meeting is the wisest invention ever devised by the wit of man for the perfect exercise of self-government." Is his judgment outdated? Remember, it is Jefferson's heritage that Local Government Review in Montana increasingly invokes as the process unfolds. Indeed, the periodic study mandated by the state's constitution is linked squarely to his view that occasional revolutions are a proper activity for the body politic. By what logic should we see wisdom in his call for governmental review and remain blind to his praise of the town meeting?

Jefferson is not alone in his commendation of the town meeting. James Bryce, one of the great political thinkers of the nineteenth century, said that the town meeting is "the cheapest and most efficient; it is most educative of the citizens who bear a part in it. The town meeting has not only been the source but the school of democracy." But what about today? Is the town meeting still of use for the generation that went to the moon? Lewis Mumford, the world's leading urbanologist, argued in The City in History that "the failure to grasp (the town meeting) and continue it--indeed to incorporate it both in federal and state constitutions--was one of the tragic oversights of post-revolutionary development."

We have a chance in Montana to rectify this oversight. The legislature has authorized the town meeting as an optional form which local citizens in towns of less than 2000 population may select during the review process. What follows is an attempt to show that the arguments for the town meeting are so persuasive that their denial would be a rejection of a rare opportunity to fuse governmental efficiency with the democratic process. Moreover, adoption of the town meeting would be an affirmation of

the democratic principles of our forefathers; with it we can re-establish the political values that have been buried too long under the rubble of modernization, urbanization, and technology. The resurgence of the town meeting would be, as Charles Reich says in The Greening of America, like a blade of grass cracking through the cement; it would be a renewal of local government based on the dignity and wisdom of the common man.

Participation

I have said elsewhere that "....the debate over the town meeting has resembled a kind of 'Rumpelstiltskin dilemma' with its defenders all too quick to claim for it an ability to spin democratic gold from political straw (harkening back to the words of De Tocqueville and Bryce) and its attackers all too quick to aim their arrows at the fraud, finding it more easily punctured than the institution itself." It is impossible to defend the town meeting as the perfect democratic institution. Nevertheless, in its participatory aspects it is unsurpassed. My first task, therefore, is to bring the town meeting's greatest strength, the nature of political participation, into clear focus.

Among the forms of government offered the citizens of Montana, the town meeting form is unique because it has no elected legislative body. The people are the legislature. But, how many people respond when they are offered the opportunity to make laws instead of electing others to do the job for them? In 82 Vermont towns using the town meeting form, in 1971-72, population ranged from 196 people to 3,187 and had a mean of 1,034. While an average of 71 per cent of the voters went to the polls to vote in state-wide elections, 25 per cent of the registered voters were in attendance at town meetings (attendance is taken four times during the day and averaged for each town). Thirty-seven per cent of the persons attending these meetings participated verbally. This means that one out of four registered

voters attended town meetings and slightly more than a third of these participated in the discussions and debate.

These figures fall far short of the pure democratic model, but upon closer analysis, they are impressive. First of all, attendance levels are as high as voting percentages for most local elections in the United States not held concurrently with state-wide elections. Secondly, they are higher than local elections held to consider bond issues and other special items. Thirdly, these are yearly figures. What would be the turnout levels in regular local elections if they were held every year? Finally, consider the nature of attending a town meeting, which involves more than simply stopping off at the polls on the way home from work. It means actually taking a day off from work, sitting through several hours of debate and discussion and voting on many ordinances, the town's tax rate, all town officers, and many other matters of procedure and policy. The town meeting is hearing town officers explain their actions as local officials, hearing arguments on both sides of an issue, and then voting on the spot. In short, participating in the town meeting is so much more intensive than casting a vote that it makes the comparison seem superfluous. And this act takes place at least twice as often as does voting by ballot for elected officers. There can be no doubt about it: the town meeting, more than any other form of government, means political participation. No other system comes close.

Efficiency

The most frequent charge against the town meeting is that it is too old-fashioned to be of real value. Direct democracy, it often is said, was all right for our forefathers, but it won't work in our complicated society. It also is charged that policy-making needs now outstrip the common man's ability; he cannot make sense of the issues that concern governments. Professors Lopach and McKinsey, in their assessment of the town meeting form

in Handbook of Montana Forms of Local Government, present both sides of the issue objectively. Their conclusion is that: "In certain areas of Montana, where expectations of government are few and simple, and where citizens feel nevertheless that government is distant and indifferent, the rare opportunity to experience direct democracy still exists (emphasis added)." Lopach and McKinsey evidently have accepted the premise that the common man, drawn to a public meeting once a year, is incapable of making sound judgments on policy issues unless they are relatively uncomplicated.

Many significant local issues, however, are not all that complex; for example, setting a tax rate, establishing a leash law, deciding whether or not to zone, establishing a local speed limit, and deciding on salaries for local government employees. As a matter of fact, there is an increasing tendency at the state level to place similar questions on the ballot for a decision by the people. Governor Judge, for instance, is "going to the people" on the matter of graduated property tax levies. In doing so he has made my point precisely. The issue of graduated property taxes is a complicated one in the abstract. But decisions are not made in the abstract. Decisions are made by unique combinations of balance that include all manner of items, whether they are stacked up in a smoke-filled room, a legislature, or a town meeting. Governor Judge is asking for the people's wisdom on the matter. He knows that the common man will not have the capability to bring all the factors to bear on his decision at the polls. But, he suspects that there is an inherent wisdom in his proposal; that it makes sense, and that a "common" sense reaction by the people is needed.

McKinsey and Lopach seem to have fallen into the "Rumpelstiltskin dilemma." They have expected much from the town meeting but also too easily suggest it cannot accomplish the goals set out for it. The dilemma can be resolved. The people

assembled, of course, cannot on the spot deal with all the facets of a complicated issue. But they will not be asked to. If city officials do their homework, the people will be asked only to make broad statements of general policy: to zone or not to zone, to tax for a new road or not to tax, to enact a leash law or not to enact. It is important to bear in mind this simple point: in the town meeting the people are not asked to write ordinances or statutes (spin straw into gold). They are asked only to decide directions and provide guidance. Is there any other body in democracy that is more properly equipped to make these kinds of judgments than the people assembled? I know of none.

Far from being inefficient, far from handcuffing public officials, far from creating ill-conceived policy, the town meeting actually facilitates the process of day-to-day decision-making. It does so in the following ways:

1. Once the general guidelines of policy have been laid out, the people let the executive branch operate, unfettered by a council or board of commissioners. Thus, more decisions are made by the executive, not fewer. In this manner town meetings maximize efficiency.
2. Having set the broad policy guidelines themselves as a legislature, the people are not as apt to harass local officials as they go about the business of policy implementation. After all, the policy was not created by an elite (elected or otherwise) but by the citizens themselves. The executive thus operates with an important stamp of approval on his activities. '
3. As a mechanism for public discussion, the town meeting siphons off hostility once a year from the body politic. It is a forum for public therapy. Complaints are aired, personalities clash, "city hall" is confronted, the people "say their piece." But then they go home and let their executive branch, elected openly before the citizenry assembled, conduct the city's business.

What this means is that the town meeting has a great potential to improve efficiency in government, not retard it.

Conclusion

In any decision on "form of government," the question ultimately becomes: How much freedom (decision-making power) does one desire the people to retain? Usually this is answered in terms of how much power the people's representatives retain. But the town meeting form sidesteps this issue by holding fast all the legislative power for the citizenry assembled. At the same time, it gives the executive vast new strength. This strength is tempered by the knowledge that town meetings can be called at any time during the year if the people so choose. For the most part, however, the latitude of the executive to act in a town meeting form is enhanced significantly, especially under Montana's version which has a single executive rather than the multiple executive model (three "selectmen") practiced in New England. It is the multiple executive and not the town meeting legislature that has caused mischief in the New England system. The town meeting form is an ingenious method of combining democracy and efficiency. More important, choosing the town meeting will rekindle our fires of democracy. Montana, where a spirit of individualism is combined with faith in the common man, is surely a proper place to begin the rejuvenation of the essential values of our early nationhood. The qualities of this form of government far surpass any other for the small town. To pass it by would be more than unwise; it would be, for democracy, a rare opportunity missed.

CHARTER: HOME-GROWN LOCAL GOVERNMENT

LAUREN S. MCKINSEY

The new Montana constitution and the 1975 legislature make it possible for study commissioners in all Montana cities, towns and counties to write charters during the Voter Review process. The grant of this prerogative is an expression of confidence in the people of Montana since charter-writing does require care and dedication on the part of the drafters. No one expects study commissioners to produce perfect documents, but the flexibility that can be given local government structure through a charter is worth the risk of imperfection.

It has been repeated often that the citizen-delegates who serve as study commissioners must balance two roles in their deliberations. As trustees, they exercise their own judgment in designing a form they believe is best suited to the needs of their community. As delegates, they formulate a plan which reflects the preferences of the people in their community. Ideally, the final recommendations will be a product of both these roles.

Charter writing can integrate these roles because it permits citizens and study commissioners to work together in designing a structure of government suited to unique community needs. It also results in compromises which are necessary for obtaining community endorsement at the referendum in 1976. The following discussion treats these two charter-writing considerations separately: flexibility in design and the politics of ratification.

Flexibility in Design

Montana Voter Review legislation provides extreme flexibility for selecting an optional form of local government. Charter-writing further expands this flexibility by permitting the grafting of certain features of one optional form onto another. It provides greater opportunity to revise the

administrative structure of the form currently used -- including revamping the maze of boards and commissions that characterizes nearly all local government units. A charter also allows greater flexibility in the acquisition of self-government powers by permitting charter limitation of certain powers. And, charters adopted in adjacent local governments allow for future flexibility in promoting intergovernmental cooperation.

Any of the five optional forms provided by the 1975 Montana legislature can be given added dimension by writing a charter; the commission form used in 55 counties may profit most from the process. Charter-writing allows for retention of the basic commission form with crucial modifications. Mandated revision of the administrative structure, including reorganization of boards and commissions, is possible only with a charter. A community council system in which the vote of the council is binding on a commissioner is available only in a charter. And, a county which wants to keep the commission form but acquire self-government powers must write a charter to achieve this end.

The commission-executive form is probably the most flexible of the five available optional forms. Still, both cities and counties might want adaptations unavailable except through charters. For counties, there is no provision for retention of other elected officials except for the treasurer. Counties may use a charter to establish a single elected administrative head while retaining many of the present elected officials. Cities could use the charter route to stipulate a full or part-time mayor under this form.

This situation is also true for the commission-manager and commission-chairman forms. The commission-manager system can be given greater flexibility through a charter by providing for popular recall or a vote of confidence of the appointed manager. The commission-chairman form requires at least 5 commissioners; a charter could provide for 3 members on the commission.

Since the town meeting form is limited to towns of 2,000 population or less in the Optional Forms Act, a larger town could acquire this form only through a charter. A charter can allow for the creation of a modified town meeting, building upon the commission-executive form. Here, the regular legislative and administrative structure of the town would remain in operation but be subject to mandates by the people assembled in a community meeting. The charter would thereby institutionalize the initiative, referendum and recall in a modified town meeting plan of government.

The flexibility that already exists in the optional forms means that charter-writing does not have to be overly difficult. The charter itself can be modeled after any of the optional forms except for the one or two important deviations that are desired. Even if consolidation is the alternative form, the job of drafting a charter will not be a great deal of extra work because study commissioners are required to draft a plan of consolidation anyway.

Politics of Ratification

Perhaps the single most important reason for the defeat of local government reform proposals at the polls is the failure of charter or study commissioners to realize that their job does not end with writing the proposal. Reluctance of study commissioners to take on the large task of promoting the alternative is likely to doom even the best-conceived proposal. The public must be aware of and appreciate the merits of the change. The best way to reach the public is to involve them from the beginning in the actual formulation of the proposal. The charter process provides the maximum opportunity to pursue this strategy. The people can be called upon to help study commissioners design a form that is best because of both its merits and its acceptability in the community.

The charter approach, more than the selection of an optional form, allows for compromise. Its greater flexibility allows more options to be chosen to satisfy the demands of diverse community groups. Concessions on particular points can serve to neutralize a potential opposition group or even to move a bloc of votes into the approval column. The charter approach allows the study commissions to choose a central objective and then to bargain on secondary issues in order to enhance passage of that central objective. For example, a consolidation plan might provide for an appointed manager but allow for election of certain other officials. Then, the people may decide that an elected executive is better than a manager; the charter can be changed to achieve this end without affecting the central purpose of consolidation.

The charter approach helps realize the principle of compromise, recognizing that the ideal local government structure does not have to be achieved instantaneously. The charter may sacrifice secondary goals but if it can achieve fundamental reform the other goals may be reached later as a result of reform momentum. It says, in effect, that study commissioners have confidence in local officials to work out other problems once an improved governmental framework has been provided.

The job of selling any alternative may be a difficult and frustrating task. Where an indigenous local reform momentum is absent one must be generated to overcome the inertia of tradition. Very few local communities will have a scandal on which the reform efforts can capitalize, and few campaigns will hear themes such as "fighting city hall" or "throw the rascal out." The state, accordingly, may be a convenient target on which to focus some reform sentiment. Charter-writing can be used to emphasize the desire to be more independent of the state. The capacity and goals of the community can be promoted: a charter is necessary because "....none of the optional plans provided by the state is good enough for our community...."

The charter approach can be used effectively to demonstrate that the choice of alternatives belongs to the people. The public can be impressed with the local flavor of review. Task forces of citizens can be used in actually drafting different parts of the charter. The public can be encouraged to help write a charter preamble. Certain charter suboptions can be put on the ballot in order to give the people even further opportunity to participate directly in making important choices.

When the ratification campaign begins, the idea of "charter" can be projected as the rallying point. It becomes a legitimate summary slogan for changes being proposed. People can identify positively with it even though opponents make unjustified charges about particular points in the proposal.

In summary, the charter helps imprint any optional form with the mark of local self-determination. If study commissioners have decided to offer a real alternative to the present form, stamping it with "charter" will assist in winning approval. Charter symbolizes the fact that local government can seize the initiative and give meaning to the idea of home rule.

SINGLE-MEMBER DISTRICTS: CLOSER TO THE PEOPLE

THOMAS E. TOWE

I support the concept of single-member districts for the election of city councilmen or county commissioners. Requiring the election of each local legislator from his own district has several advantages:

1. The officials are more representative of the people;
2. More citizens may be encouraged to run because it is less expensive for a candidate to seek office from a single-member district;
3. Less opportunity exists for disproportionate influence by persons and organizations who make large contributions;
4. The candidates, the elected officials, and government itself are closer to the people; and
5. The people are more likely to identify their own councilman or commissioner when they need to deal with their city or county government.

The officials are more representative of the people.

Elections at large tend to favor the majority to the exclusion of the minority. If, for example, the community is predominately Democratic, the entire city council or county commission will usually be Democratic and Republicans will have no representation. The discrimination becomes more serious when a minority or low-income group is involved. For example, the bulk of Billings' native Americans, Mexican-Americans, and low-income people live south of the railroad tracks. Yet, prior to the establishment of single-member legislative districts in 1974, not a single person from south of the tracks had been elected to the Montana Legislature since 1907. Laurel, a predominately laboring community whose residents work at the refinery or railroad yards,

has a population of nearly 5,000 people. It is the seventeenth largest city in the state and the largest non county-seat town in Montana. There are 19 counties in Montana whose total population is less than Laurel's. Yet, prior to the establishment of single-member legislative districts in 1974, Laurel had never been represented in the state senate by one of its citizens. In 1972, 50 per cent of the legislators from Yellowstone County lived in an area containing less than 7 per cent of the registered voters. This is just plain unfair.

This inequity can occur in either a city or a county. Persons belonging to a significant minority, whether it be low-income, racial, or cultural, desire a representative who shares their background. They want an advocate -- someone who can take up their cause and introduce ordinances and measures that will help them. In nearly every town there is at least one area in which most of the residents rent homes. A person who is elected by the people living in such an area is more likely than a person elected at large to propose ordinances and to advocate measures that would benefit tenants.

There are different kinds of minority groups. The minority in a county government may be either rural people or town folk. In another community, it may comprise professional persons or persons with high incomes and more expensive homes. With single-member districts, these people are more likely to have a spokesman on the council or commission than if all of the legislators are elected at large. With an at-large election, all of the membership is likely to be representative only of that group which commands 51 per cent of the electorate to the exclusion of other significant minority groups.

More citizens may be encouraged to participate because it is less expensive for a candidate to seek office from a single-member district.

Campaigning in an area that includes only one-tenth of the

city or one-fifth of the county is less expensive than campaigning in the city or the county at large. Running an effective county-wide campaign is very expensive in the big counties in Montana. If these counties were divided into three, five or seven districts, depending on the number of commissioners, the cost of campaigning would be a fraction of the cost of an at-large campaign. A cheaper campaign should attract more qualified candidates. A wider selection of candidates from which to choose and incentive for more people to become involved in the political process should be encouraged. Neither the city council nor the county commission should be a rich man's club.

Less opportunity exists for disproportionate influence by persons and organizations who make large campaign contributions.

In addition to encouraging more people to take an interest in running for city or county offices, a less expensive campaign will result in less influence exerted by persons and organizations that can afford to make large campaign contributions. It is a fact of political life that public officials are affected by receiving a substantial campaign contribution. In order to finance an effective at-large campaign in a large county, large contributions are almost essential. The people or organizations who have made the largest contributions to the campaign are the first ones heard from after the candidate is elected. The costs of running an effective campaign in Yellowstone County would be reduced from approximately \$3,000 to about \$500 by changing the election base from the entire county at large to one of five or even seven single-member districts.

The candidates, the elected officials,
and government itself are closer to the people.

In the large counties, it is impossible for a candidate to meet every voter if he must run at large. By contrast, if Cascade, Yellowstone, Missoula, or some of the other large counties are divided into single-member districts, it is possible

for a candidate to visit and discuss issues with most of the voters during his campaign. This mode of campaigning will bring the public officeholder closer to the people. This same argument applies to the smaller counties or communities because the individual candidate will have opportunity to visit with and discuss issues with perhaps all of the voters in his district.

The people are more likely to identify their own councilman or commissioner when they need to deal with their city or county government.

Perhaps because there are so many elected public officials, the citizenry in general has difficulty identifying its own elected officials. The at-large election of eight or ten members to a city council increases markedly the number of public officials to which the individual citizen must relate. Citizen access to officials becomes almost impossible.

For example, for purposes of presenting facts to the Federal District Court in connection with the lawsuit involving the reapportionment of Montana's legislative districts, I asked two professional pollsters to conduct a poll of the voters in Yellowstone County. Each person interviewed was handed a list of approximately 50 names of prominent persons in the community and in the state. Included were all 18 of their legislators. Out of the 136 persons questioned in Billings and Laurel, only two persons were able to correctly identify all 18 legislators.

Obviously, if government is to serve the people, the citizens must be able to reach their elected officials for the purpose of expressing complaints and views. If they don't know whom to seek out, this role of government cannot be played. Although single-member districts do not guarantee voter awareness, they do provide that a larger number of people will be able to identify their own commissioner. When candidates campaign for election in their respective districts, the voter will see the campaign material of only two candidates, will vote for only one

of the two candidates, and will most likely remember the winner longer than if he must sort through six, fourteen, or twenty candidates.

I do not accept as valid the argument that persons elected at large are more inclined to keep the best interests of all of the people in mind. When any candidate is elected to the legislative body of a city or of a county, he is bound by law and by his oath to act in the best interests of all of the people of that community. His decisions must be weighed in terms of what is best for the entire county or community. Any official who deliberately chooses to benefit his own district, to the detriment of the entire county or community, is not likely to remain long in politics. Once elected, most public officials quickly identify with the entire community they serve and not with just one small area from which they were elected.

I also am not impressed with the several compromise proposals that are often suggested, such as a combination of some members elected from single-member districts and some members elected at large or even districts where two members are elected from the same district. Such approaches dilute representation and increase costs of campaigning. The candidates cannot easily reach all of the people during their campaign. And, the voters are less likely to be able to identify their representative on the city council or county commission. Conversely, the advantages to be gained by such compromise measures are difficult, if not impossible, to find. They do not outweigh the cited five reasons favoring a pure single-member district system.

AT-LARGE ELECTIONS: PROMOTING THE COMMUNITY INTEREST

AL THELEN

There are three major reasons why city and county study commissions should propose at-large election of governing bodies as a part of their alternative form of government:

1. responsible government is enhanced because distasteful "pork barrel" decisions are eliminated;
2. local government is better able to serve a majority of the citizens; and
3. cities, towns and counties in Montana are small enough to permit the citizens to be represented by all of their local elected officials.

Everyone is familiar with the "pork barrel" politics that occur at the federal and state levels of government whereby representatives of districts agree to support each other's pet projects in order to be re-elected. Little attention is given to the best interests of the governmental unit as a whole. A legislative body elected on a district basis assigns priorities less on the basis of what is "good for the community" than on the basis of how much should be spent within each legislative district. It is not responsible government, and it leads to a fragmented program of services and facilities for the locality. At-large elections permit the legislative body to look at the best interests of the total community and to assign priorities to projects and services that will benefit the greatest number of people.

The use of at-large elections also helps eliminate a practice which might be called pork barrel politics in reverse. This procedure exists at the state level where legislators are elected on a district basis. Frequently, a legislator chosen from a district will go to other legislators and ask them to support a particular measure which he intends to oppose because of

substantial pressure from people within his district. A legislator can make a deal with legislators from other districts to support his personal position even though he votes against it to "look good" to his constituents. At-large elections substantially eliminate this manipulation.

At-large elections prompt the elected local official to make decisions which are based on the will of the majority of the community instead of a formula of benefits to be received by geographic areas within it. When legislative members are elected from districts, this majority viewpoint, a first principle of democracy, is seldom identified. The single district representative often views only his district and will not be bothered by the needs of the community as a whole. I am reminded of a case in a Wisconsin city which, for five years, faithfully set aside \$50,000 annually to develop a community swimming pool. When the \$250,000 goal was reached, the commissioners began to consider the pool's location. Because the commissioners were elected from five districts, it was very difficult for them to select one site in the best interest of all the citizens. The result was the construction of five wading pools, one in each district. At-large elections of commissioners might have resulted in the building of one swimming pool which would have served the entire community.

Local jurisdictions, both city and county, are small enough in population that Montana citizens can be spared the problem of trying to identify which local legislator represents their geographic area. This is an awesome task on the state level, but Montana citizens should be able to hold all of their local legislators responsible for the actions of the local government unit. This will prevent single district representatives telling citizens that since they did not run in their district they are not responsible to them. There will be no "passing the buck" to the representative of another district.

Some local jurisdictions have a history of electing at-large legislators from only certain areas of a city or county. People are unable to identify with a local official as their own representative. Where this condition exists, it may be necessary to require legislative members to be nominated from a geographic area, but the election of these legislators should remain at-large to insure responsible government. Also, a combination of district and at-large seats for a legislative body can be used to solve this problem. If this system is chosen in conjunction with staggered terms, it is advantageous always to have one of the at-large seats up at each election so that any qualified citizen regardless of residence can always file for a position.

Study commissioners in Montana cities, towns, and counties will take a big step in the direction of providing quality government if they propose at-large election of their governing bodies. While the quality of the government also will depend on the abilities of the individuals providing service, it is true that the mechanics of selecting decision-makers will have a bearing on the quality of public services. A poor workman with bad tools will not be able to complete a task; a good workman with poor tools will do something less than a first class job; but a good workman with good tools can do a super job for local government in Montana.

PETER KOEHN

The issue of partisan versus non-partisan local elections still provokes vigorous debate among academicians and government practitioners. As with most other Voter Review questions, persuasive arguments can be launched on each side. The impact of election type on candidate recruitment provides an illustration of the continuing controversy. Supporters of non-partisanship show that some potentially excellent local officials refuse to become candidates in partisan elections because they dislike being identified with party politics. Defenders of partisan elections cite studies demonstrating that other potentially excellent local officials are party activists who would not run for the non-partisan offices. The contention of this essay is that the arguments favoring partisan local elections, discussed in the following paragraphs, outweigh those on the other side.

Campaigns and Elections

Partisan elections affect campaigns, voter turnout, and the outcome of local elections. Campaigns are more likely to be informative and centered on issues in partisan localities. In non-partisan elections, candidates typically try to appeal to the entire electorate instead of the party faithful plus a few converts; thus, important but controversial issues are avoided in favor of bland generalities. Non-partisan candidates tend to wage campaigns around personality attributes and limit voters to such cues as the name, sex, and ethnic identification of the candidate. Party affiliation, however, reveals the likely political objectives and sensitivities of a candidate and is particularly valuable as an information and education device in city and county elections where numerous officials are elected.

✓ Voter participation has been shown to be significantly higher in cities that have partisan ballots. Since voting is the only frequent form of political participation for most Americans, an electoral system that promotes voter turnout is essential to the practice of democracy. Partisanship clearly has the edge in this regard.

✓ Turnout in a partisan election will reflect more accurately the social composition of the community as a whole. Surveys show that non-partisan local elections attract disproportionately large numbers of middle and upper class residents and small turnouts of working class or lower class voters. And since non-partisan candidates do not receive financial support from political party organizations, successful campaigns usually depend upon a candidates's ability to secure contributions from large businesses or wealthy individuals.

✓ Because non-partisan electoral systems require voter reliance upon name recognition, incumbents and former incumbents have a decided advantage. Study commissions that prefer to see the local electorate compare incumbent officials with challengers on the basis of policies advocated and responsiveness to public opinion are advised to adopt the partisan ballot. Even if the party in control of local offices does not change, the "ins" may act more responsively when they are aware that their actions are being scrutinized by "out" party officials.

Political Party System

The beneficial effects of partisan elections extend to the American party system. Political parties stand to gain from local partisan elections. In many parts of the country, non-partisan local elections have severed the roots of political parties. Finance and recruitment drives for local offices develop independently of party organizations in non-partisan campaigns. This split weakens the grass-roots organization of

state and national parties and narrows the range of opportunities for aspiring politicians to gain exposure to politics and experience in elective office. The American experience is that candidates for non-partisan local elections seldom enter political contests for higher office later in their careers.

Governmental Performance

Partisan elections also encourage, but do not guarantee, better local governmental performance. Partisanship implies that local political conflict is natural and at times virtuous. Competitive party politics provide a regular and approved outlet for conflict over local issues. In contrast, elective officials in non-partisan areas usually avoid conflict by placing priority on the achievement of consensus. This often means that controversial local issues are deliberately kept off the political agenda. Consequently, important decisions are left "unmade," leaving the status quo unaltered. It is more difficult to suppress vital local issues in competitive political party systems.

Strong local political party organizations, encouraged by partisan elections, also provide elected local officials with valuable popular support in their dealings with county or municipal administrators. Such support helps an elected executive or commissioners to exercise control over the local bureaucracy.

Finally, members of the local government commission elected on a non-partisan basis are less likely to be loyal to the mayor's programs than commissioners elected with the same partisan backing as the mayor. In non-partisan localities, the political fortunes of local legislators in no way depend upon the mayor's performance in office. Mayors find it difficult to influence commissioners on policy matters; thus, the absence of decisive executive leadership, or stalemate, may occur more frequently in non-partisan localities.

Voter Review and Partisan Elections

✓ The advantages of partisan elections can be maximized under the strong-executive form of local government. It is not by accident that partisan elections are found most commonly among mayor-council cities. In particular, partisan elections undergird the authority and influence of the mayor. Partisan elections and a strong executive form of local government should be particularly attractive to Montana study commissions which perceive lack of executive leadership as a principal barrier to effective local government action in their county or municipality.

✓ Partisan elections also can enhance a manager plan of local government. Here, party organization can help support legislative oversight of administrative performance. Partisan elections can thereby compensate for the problem of lack of responsiveness which can arise under manager systems.

✓ Partisan elections, however, offer no panacea to Montana study commissions. Local officials elected under the system will not be infallible. Yet, politics is as natural a part of our social lives as growth is of our physical lives. An integral part of the democratic tradition in this country is the struggle to bring politics out in the open. The majority then can be sure that political power is not used in an arbitrary or discriminatory manner. Partisan local elections reinforce this democratic tradition.

NON-PARTISAN ELECTIONS: A FIRST PRINCIPLE OF REFORM

ROLAND R. RENNE

Both partisan and non-partisan elections currently are used to select public officials in Montana. School district board members, some city and town councilmen or commissioners, and special improvement and other district officials are elected on non-partisan ballots. Many city officials and county and state government officials, however, are elected on partisan ballots; that is, the voter selects his ballot on political party lines in the primary election to determine the candidates who will represent the political party in the general election. In the general election, voters can cast ballots for individuals representing different political parties.

There is extensive literature on the issue of partisanship versus non-partisanship. Reformers have argued for a long time that non-partisan elections should exist at the local level, leaving partisan politics for the state and national levels. What is it about local government and about non-partisan principles which brings the two together?

The reformer's premise is that the primary business of local government is to deliver services in the most economical and efficient manner. Partisan politics should not enter into this process; local governments do not deliver services to Democrats or Republicans but to citizens and residents. Local officials should be able to rise above partisan pressures and make their judgments in terms of broad community needs and professional management standards. ✓

There is good reason why county commissioners and municipal officials should be elected on a non-partisan ballot. Setting apart the non-partisan list of candidates for local offices is built on the premise that voters know personally or can readily get first hand information on the qualifications and policy

positions of local candidates. Voters may have to use party cues in other elections for state or national office, but the record and ambitions of their local officials should be evident to every aware citizen without the reinforcement of partisan label.

But merely changing the ballot from "partisan" to "non-partisan" will not suffice to secure complete non-partisan voting for local officials. Along with a change in the ballot format must be a radical change in the present operation of an election campaign at the county and municipal levels in Montana. A different method of financing elections is necessary. In order to establish truly non-partisan elections at the various levels of government, funds made available to candidates for campaigning expenses must not be identifiable with individuals, groups, associations, and corporations. They must come in the form of government funds secured from taxes, contributions, and gifts, where sources are unknown to the candidates. A special tax on all citizens of voting age with the revenue divided among the two major parties for meeting their election expenses has been suggested as one bi-partisan method of handling the situation.

There are two main arguments favoring retention of partisan elections at the local level. Neither is persuasive. The first argument is that without partisan ballots in local elections, political parties have no strong ties at the grass roots level. Thus the party structures to elect state and national officials would break down or be weakened substantially. But there is no conclusive evidence that non-partisan local elections do undermine the party structures. Major political parties do continue to organize at the precinct and county level to raise funds, elect party officers, and recommend candidates for state and national positions in communities with non-partisan local elections. In fact, many of the candidates for offices in non-

partisan counties have been active at one time or another in one of the local political party units.

The second argument for electing county officials on a partisan basis is that this system produces a longer list of candidates from which to choose. This is said to create a more competitive and interesting voting situation leading to larger turnouts. There is no guarantee, however, of large turnouts and more informed choice unless the selection system attracts good candidates on each side. And, it is true that many capable people fail to run for local office because they disdain party labels. Non-partisan elections, on the other hand, might stimulate these people to serve.

Attainment of completely non-partisan elections may lie in the future, but the possibility is now coming under public scrutiny. The need for non-partisan elections is becoming more evident to citizens. Currently, the interest in non-partisan elections seems to be on the monetary, or financing aspects, but non-financial aspects also are getting attention in some areas. Local government study commissions may find this a very fertile area for analysis.

Although the principle of non-partisan elections theoretically holds for all forms of local government available in the Voter Review process, it seems to make most sense when a professional manager is part of the system. Officials elected on a non-partisan basis could reinforce the manager's attempt to achieve quality local services and not undermine his efforts by interjecting partisan considerations into the implementation of policy. The experience in Petroleum County demonstrates that the package of manager and non-partisanship can work in our state. That system is both responsible and responsive and offers a good model for progressive communities and counties in Montana.

DOROTHY ECK

"Power to the People" is a phrase laden with rich meaning for Montana's Voter Review of local government, especially for those persons who have become disenchanted with government, others who question the credibility of government, or others who are concerned with the people's sense of powerlessness. But more generally the phrase can profitably remind us of the democratic foundation of our republic: individuals have the responsibility, as well as the right, to influence their government as informed citizens.

The option of including community councils as a part of the structure of local government speaks to these concerns. It deserves serious consideration by all who seek to restore the trust of the people in their government. It should be of real interest also to the many organizations which support increased opportunities for citizen participation in the governmental process.

The community council is one of the "sub-options" which local government study commissions can include in the new form of government which they will submit to the voters in 1976. The legislation authorizing alternative forms of government provides that community councils may be a part of any form of local government except the town meeting form. It reads:

community councils of at least three (3) members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

community councils to advise commissioners may be authorized by ordinance.

This option has received little attention, yet it is one which offers significant opportunities for the kind of citizen involvement that will enable local governments to be more responsive and accountable.

The community council would serve somewhat as an advisory board representing a specified area. The council members would probably meet once a month with their commissioner to discuss local issues. They would advise the commission regarding problems and needs in their area. The commissioner would discuss issues and activities, and report on upcoming decisions of the city or county commission. The council would have an opportunity to influence major decisions, and the commission would be able to act with some knowledge of how its decisions would affect each area.

What's in it for the community? Not a vote, but a voice.

The council is not a decision-making or policy-making body. It has no formal power. It cannot require its commissioner to follow advice. What council members have is a voice backed up by the electorate. They are something more than a citizen lobby, an appointed advisory board, or a public interest group, for they have been elected and speak for the people of their neighborhood, community or area.

Many unincorporated communities and rural neighborhoods should find some special advantages in being represented by a community council. Residents of a small town, for example, who have been long frustrated by the lack of communication and the unresponsiveness of their county government, would have a recognized body through which to speak. The council could assume some of the informal functions of government such as assessing community needs, collecting data, considering alternative courses of action, sponsoring public hearings and mobilizing volunteer efforts for community projects.

In larger towns and cities there are other advantages of a community council. The most obvious is that it would enable the people within a district or neighborhood to develop a sense of community, to become involved, and to have a meaningful say about

governmental affairs. One of the real assets of small towns lies in their ability to deal effectively, in informal ways with community needs and to put together volunteer efforts for community betterment projects. The community council representing a neighborhood in a larger town or city could spark this kind of community spirit. The council also could provide a much needed voice for neighborhoods with special characteristics, such as a university community, a low income area or an ethnic neighborhood.

What's in it for local officials?

Today's political process requires citizen participation. Major decisions need to be guided by public preferences. Hearings are an important vehicle for voicing preferences. Yet very few citizens appear for these hearings, and many local officials fear that most of those who do appear represent special interests and do not provide a valid sample of their constituents' sentiments.

Local officials are aware of the widespread lack of public understanding of the processes and problems of local government. Yet, if local governments are to assume greater powers, the public needs to understand fully the importance of the increased number of decisions to be made at the local level. There will be greater needs for processes whereby alternatives may be weighed and for public participation in these processes. A concerned and informed public would be ideal, but concerned and informed community councils might prove to be a more realistic answer.

Community councils might also encourage more imaginative action by local officials who have been overly cautious in considering new programs. Traditionally, local officials have not been expected to initiate action without petitions, well-supported requests from the citizens, or a mandate from the federal government or the legislature. With adoption of self governing powers, the contributions of community councils might make many local officials feel more legitimate in launching innovative programs.

Another way the community councils could benefit local governments is presenting the cause of citizens to legislators and state officials. The number of persons with an understanding of local government will be increased, but the advantage here is not entirely in numbers. Community council members could speak for local government as citizens rather than as just another special interest group.

And what's in it for the public?

A recent Harris poll concluded that:

People appear prepared to participate in the decisions that shape society...and see in organized citizens' groups an increasingly successful and respected method of channeling individual energies into effective collective action.

This is their opportunity in Montana.

JAMES J. LOPACH

Our American founding fathers were very much aware of human failings. A government by "angels," they realized, was an impossibility; a government by men, they knew, was a necessity. They searched, consequently, for measures to turn a government by men into a government under law. James Madison, for example, feared the selfish pursuit of narrow interests by public officials and recommended a government of formal checks and balances. John Adams, in like manner, was conscious of the corruptibility of power, and argued for representation and balanced government. Good government, in the American tradition, has been the exercise of public power in a way that prevents abuse by officials and preserves control by the people.

This little piece of democratic theory applies as well to local governments as it does to the national government. Methods must be provided whereby residents of counties and municipalities can hold their local governmental officials accountable. One proven way to reward or punish members of a local legislative body -- the city, town, or county policy-makers -- is to elect the entire group at the same time.

Concurrent terms of office for local governmental officials provides the means and opportunity for realizing that old political adage, "throw the rascals out." This method of selection makes a difficult task simple for the concerned citizen -- to pinpoint the blame for governmental malfunctioning. But when only some of the councilmen or commissioners can be replaced at any single election, the official or officials who actually are responsible for the trouble might not be up for re-election. With staggered terms of office, therefore, voters are less able to bring about a change in governmental direction and some culprits can go unscathed.

Concurrent terms of office can have an additional advantage. When, for example, a county government executive and all of the county commission run for office at the same time, voters can be given a "real choice" between two "teams" of candidates with two separate and different sets of policy plans. Concurrent terms of office and simultaneous election of all officials can put the problems and needs of a community into sharper focus. The opportunity is presented for an important series of political events: replacement of all elected officials (and, possibly, of many appointed officials); a new "team" of officials committed to a new set of policies; and a period of years to implement these new policies. Then, some years hence, the voters are given the chance to approve or disapprove of the performance of this administration in a reliable and effective manner. This principle applies to all of the forms available in Voter Review.

To return to the early theme of this essay, concurrent terms of office can give effective expression to some basic elements of American democratic theory. Citizens can hold their local officials accountable and can be given a more meaningful choice between ways to run the county or municipality. In a democracy, this citizen-official linkage, called accountability, is critical. And the provision of a real choice at election time between two complete slates of candidates and policies is a strengthening of democracy in an era of increasing complexity and professionalism in government. While the average citizen today has little opportunity to influence the daily decisions of governments, simultaneous election of officials periodically can allow a real choice between familiar faces and policies and untried but fully debated alternatives.

STAGGERED TERMS OF OFFICE: CONTINUITY IN THE COMMUNITY INTEREST

RICK REESE

Among the parts of any alternative plan of local government in Montana Voter Review is the sequence of election of the legislative body. Should city council or county commission members be elected for either staggered terms of office or for concurrent terms of office? This is no small detail for the study commissioners since the balance between new insight and seasoned expertise on a council or commission may well influence its ability to provide quality community leadership. Staggered terms offer the best opportunity to strike this balance.

The greatest single advantage of staggered terms is the continuity it builds into the system. If all, or even most, councilmen or commissioners are replaced at the same time, the potential exists for a very disruptive transition from the old to the new. No one on the new legislative body may be familiar with the actual mechanics of the government. Such a disruptive transition could be both confusing and costly. With the important new legislative powers to be exercised at the local level, a community can ill-afford to experience such a situation, even briefly.

Staggered terms of office also serve to avoid the danger of domination of the council or commission by mayors, "bosses," local government bureaucrats, interest groups or others who have a continuous interest in local government. These interests usually have developed expertise and information superior to that of councilmen or commissioners. Unless there are legislative holdovers who have experience as policy-makers, they may dominate a council or commission early in its term and even intimidate it for the duration.

A system of staggered terms means that councilmen or commissioners are not always all running for office. Some of them can devote their energies to the role of policy-makers. With

concurrent terms, no one is left to attend to the important business of making policy since all policy-makers must turn their energies to campaigning. Programs sponsored during such an election year are frequently passed more with an eye to re-election of officials than to community affairs.

Critics of staggered terms often contend that they do not provide accountability, the ability to pinpoint blame. Concurrent terms, in which all members of the council or commission are elected at the same time, allegedly provide the voters an opportunity for thorough housecleaning--to "throw the rascals out."

But staggered terms also provide for accountability, and in no less measure than concurrent terms. Further, any citizen who takes the time to follow the record of his elected representatives will rarely, if ever, need an opportunity to vote against all of them at the same time. If all incumbents share responsibility for bad government then "throw the rascals out" may be good medicine. Rarely, however, would all the incumbents be responsible for bad government. "Throw the rascals out" might be a good action in certain rare instances, but the method doesn't really serve to pinpoint blame--it is the easy answer for those who haven't the civic interest to decide who should be retained and who should be replaced. The method of staggered terms, therefore, helps to promote an important principle of local government review: with increased power at the local level comes the increased responsibility of citizens to hold government accountable for its use.

LUDVIG G. BROWMAN

What will self-government powers mean for counties?

County self-government will allow county officials to study, attack, and resolve problems and service needs peculiar to their local situation. Self-government status does not mean that the Montana legislature has relinquished control of local government; it means that state officials recognize that local governments often can move more efficiently, beneficially, and promptly to meet the service and program needs of the people.

The difficulty of the state's attempting detailed management of Montana's 56 counties can be appreciated by viewing their diversity: Mineral County is largely forested (97 per cent) and mountainous, has one narrow river valley, less than 4 per cent farm or ranch land, is sparsely populated (2.4 persons per square mile), and has 85 per cent governmental ownership of land; Daniels County has less than 1 per cent forested land, 92 per cent of its land in farm or ranches, 2.1 persons per square mile, and 33.5 per cent governmental ownership of land; and Missoula County is 87 per cent forested and has several river valleys, 92 per cent of its population concentrated in a central area, a 1970 population of 58,263, 22.3 persons per square mile, and 48.2 per cent governmental ownership of land. The range of the other counties is nearly as wide.

State government has been trying for more than eighty years to solve the problems of the local governments in these diverse counties with fragmented and piecemeal legislation. There are many "holes in the dike" and the only available finger has been the Montana Legislature. County governments, under broad authorization from the state legislature, now have the potential power to meet the many service needs of their people.

Self-government counties will have ordinance-making powers to respond promptly to needs that have arisen in their service areas, act in any area that meets the desires of the people, and solve the problem in any manner within statutory limits. Not only do self-government counties have the authority to legislate and the power to provide services and programs to their constituents, but they also have the right to organize their internal structures and functions to allow them to provide these services in the best manner.

A frequent comment heard in every county in Montana is, "Why ask the county commissioners? They won't do anything." Too many of our citizens fail to understand that county commissioners currently can do only what the state legislature says they can -- or cannot -- do. Citizens must understand that the board of county commissioners, without self-government powers, cannot provide them with the reasonable services and programs that are obviously needed. And, even worse, county commissioners too often hide behind the law and fail to do what might be possible if they were to use their best judgment and "bull it through."

To end this situation of inadequate powers and timid officials, counties must be granted legislative authority to pass local laws and establish ordinances, policies, resolutions and regulations for their own or joint jurisdictional areas. Broad guidelines might be established by state law, but freedom of action must be recognized as a prerogative of local government. The following areas must be left primarily to local discretion if self-government powers are to be meaningful:

Planning, development projects

Agricultural needs, irrigation, roads, markets,
protective zoning

Commercial and industrial needs, labor, housing,
transportation

Educational needs and perquisites, safety,
recreation, roads

Land use planning, subdivisions, orderly development, aesthetics, functional zoning, housing and shelter

Human resources, social services, human amenities

Public assistance, law enforcement, judicial, peaceful coexistence

Amenities

Parks, recreation, developed and "natural" aesthetics

River and lake front, water use development

Social services, aspects of human resources

Police, public assistance, and help service

Health and public safety

Subdivision regulations, water, sewer, streets, utilities, aesthetics

Sanitation standards, restaurants, food handling and supplies, garbage refuse, debris, waste, control

Pollution control, air, noise, soil, water, visual, social

Floodplain control, land-slides, incompatible soils

Animal control, public health

Fire safety and protection, building codes

Police assistance, law enforcement

Building codes for human habitation and activities

Housing standards

If local self-government units are to carry out their functions effectively, they must have taxing powers in order to secure funds to provide needed services and programs. Certain areas of taxing power must be retained by the federal and state governments, but other areas must be made available for self-government counties. Taxing areas that might be available include: severances, vehicle, bulk receipts, privilege, payroll, limited property, fees, license, and franchise.

Self-government powers are untried in Montana. If they are allowed to fulfill their promise, they can promote a period of dynamic leadership in our counties. Counties can look forward to becoming real partners in the system of state and local governments, not merely administrative extensions of the state.

THE CITIES COMING OF AGE: PROVISION FOR SELF-GOVERNMENT POWERS

RAYMOND C. YOUNG

The 1972 Montana constitution provides in Article XI, Section 6 that "A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter." The opportunities provided by this section of the new state constitution are dramatic and yet subtle. It reverses entirely the so-called Dillon Rule which has deeply affected local government activities and generally has restricted innovative approaches to new problems. The Dillon Rule gave local governments only those powers expressly granted by the state government; the new constitution allows them all powers except those expressly denied by the state government. This opens municipal governments to a broad spectrum of ideas and solutions which may be locally unique.

The essential premise of self-government powers is the desire of local citizens to control events of a local nature. It should be within the discretion of citizens and local officials to assume all responsibility for running their own municipal government and not leave decisions, through default, to others who do not know or understand local problems. If local citizens, governing officials, and study commissions think that politicians in Helena are better qualified or equipped to make decisions involving local government, then self-government powers should not be proposed.

The granting of self-government powers will make it more difficult for local officials to hide behind the excuse that only the state has the power to act. Legislative inaction will no longer be able to block local action. Instead, such inaction on the state level may serve as a go-ahead for solutions and actions to be determined at the local level. The municipality has the freedom to move ahead on local matters if it so

wishes. When a local government with self-government powers fails to act upon a specific need, the citizens have only to look to their own local officials. The excuse that Helena failed to provide the tools to deal with a problem will no longer be valid.

If the municipality fails to govern appropriately--either through action or inaction--the state legislature has retained the right to pass laws which can change the status of self-government powers. Obviously, a great deal of responsibility is being assumed by local units in the exercise of self-government powers. Careful utilization will help preserve self-government powers, and cautious enactment of restrictive laws by the state legislature will greatly assist local governments in their proper use.

The main thrust of self-government powers, then, is to provide authority to act at the local level where the problems must be solved. With authority goes responsibility, and self-government powers makes it possible to hold local officials responsible for their actions. A good example of this principle in the area of finance is the removal of the state-imposed 65 mill limit on the all-purpose levy for municipalities. Many local governments have used the ceiling as an excuse to establish budgetary restraint in their communities. Now local officials will have to learn to say "No" themselves.

Self-government powers ought to lead eventually to implementation of a sound philosophy of local finance: that is local funding for local programs and state funding for state programs. For instance, state-wide functions, like District Courts, and the Economic Assistance Programs should be state operated and state controlled. The assumption of the financial responsibilities for these functions would reduce the financial burden on local governments, insure uniformity, and provide a more equitable tax

burden. Local programs, on the other hand, should be funded, operated and controlled locally. The philosophy of federal revenue sharing undergirds this principle -- that local governments are in a much better position to allocate and determine priorities for the expenditure of funds in their communities.

Ideally, municipalities should be able to have wide discretion in areas of finance such as budgeting, investments and warrant procedures. Under current law, even self-government municipalities will still be denied certain controls in the financial area unless the legislature delegates further power. This legislative control is a result of several provisions in the Montana constitution. These articles require the legislature to limit the debts of local governments, insure the strict accountability of money received and spent by local governments, and to provide for the supervision of the investment of surplus funds by local governments. Although the legislature has the authority and responsibility for these areas, there are no compelling reasons not to revise the current laws to give cities more authority in the realm of their financial affairs. With expanded delegated authority from the state would come the following advantages of financial flexibility which I believe are necessary to make our municipalities fiscally efficient.

First, there needs to be greater freedom to negotiate conditions and place funds in all manner of investments which are appropriate for them; these would include government agency securities and corporate bonds which are of superior quality. A municipality thereby would have more alternatives to invest its surplus or idle funds. Furthermore, the time limit on investments should be removed so that longer term investments can be made.

Second, the warrant system should be streamlined. Many municipalities throughout this country are operating with straight checking accounts. A warrant represents a very conservative

approach to municipal finance common at the turn of the century. In fact, keeping track of warrants causes a great deal of duplicate bookkeeping. In many instances, warrants are used for short-term borrowing by registering them. This is a strategy used to solve cash flow problems encountered during the fiscal year. This method is not one of the best in terms of sound fiscal principles. Cities need better methods for short-term cash flow problems.

Third, changes in the current budget law are needed to bring it into agreement with currently accepted practices. Montana budget procedure now provides that the city must be well into the second month of the new fiscal year before the budget is formally adopted. It also anticipates only a cash basis accounting for city operations. If there is any lesson to be learned from New York City, it is that cash basis accounting does not eliminate fiscal problems. Budget procedures should provide that a budget can take effect on the first day of the fiscal year. Modern accrual accounting methods and encumbrances also should be allowed so that appropriate reports can be prepared for each fiscal year.

Fourth, cities should be free to make better arrangements with banks. Under the precept state law, cities are required to deposit a pro-rata distribution of their demand deposits in each municipal banking institution. They are required to monitor these funds and to maintain this pro-rata distribution throughout the year; they also are required to invest their funds by a slightly different pro-rata distribution formula. A great deal of time and effort must be expended by the treasurer to shuffle funds around in bank accounts. A far better use of his time could be made by negotiating banking services with individual banks and paying for services through direct fees or compensating balances. The time has come in this state to recognize that the local municipality does not need to subsidize local banking institutions. There is no justification for letting surplus

funds sit idly in bank accounts as is the case under current state law. Under self-government powers, a city should be able to provide for negotiated banking services and the establishment of a more formal banking relationship.

As noted above, all of these improvements in financial matters will require still further expansion of powers to cities which decide to become self-government units. The key is that they acquire the status of a self-government unit now, during Voter Review, and then continue to lobby at the state level for the enlargement of autonomy over the years.

The legislature should also be encouraged to provide greater flexibility with respect to local government revenue sources. The most significant requirement for establishing the credibility of self-government powers is provision of an adequate tax base. Present self-government powers do not provide for an income or sales tax or selected excise taxes to be levied by any municipality, but do provide a wider range of revenue sources than are presently available. The law does not, however, preclude authorization of such taxes by the state legislature or the piggy-backing of a local income tax with the state tax for a specific municipality.

Coupled with this need for a broader tax base is the need for a more evenly distributed revenue source. Current revenue sources are predominately property tax oriented. Property taxes are collected twice a year, once in November and once in May. These monies received in June, however, pay for the expenses of the city through the month of June. Beginning with the new fiscal year, July 1st, until the end of December, the city must be prepared to finance its operation without any significant revenues available. To finance the government over this period usually requires that the city register warrants; the city must borrow money from local banking institutions or from other city funds in order to carry on its operation during this money

drought. New revenue sources may be provided which would increase substantially the amount of money received in the early months of the fiscal year. The decision to utilize new sources of revenue would be a local one, not dependent on the action of the state legislature, but by responsible action of local government officials.

There is probably no greater frustration at the municipal level than attempting to go to the state legislature to get a specific piece of important legislation passed. Through self-government powers, cities are freed to do those things they consider necessary and appropriate without waiting for legislative action. Self-government powers also place responsibility on the state legislature to allow cities the power and resources to administer mandated programs. If greater flexibility of city structure and the desire to solve problems locally are part of a study commissioner's purpose in exploring new governmental arrangements, then self-government powers should be seriously considered.

CONSOLIDATION: EQUITY, EFFICIENCY AND RESPONSIVENESS THROUGH
UNIFIED GOVERNMENT

THOMAS PAYNE

While consolidating city and county governments is not new, it is an idea that is receiving increasing attention with the revived interest in local government in America. In the past fifteen years more communities have turned to this possibility for local government reform than ever before. A number of communities in Montana have an unprecedented opportunity in 1976 to opt for consolidation, or unification, as a means of improving the equity, efficiency and responsiveness of their governments.

The case for consolidating city and county governments within a particular county in Montana, like the case for all reform, must be so stated as to restrict consolidation to those areas in which circumstances make it an appropriate alternative. Under specified conditions a strong case can be made for consolidation, but it should not be considered if these conditions do not exist. Conditions favorable to consolidation include:

(1) a substantial rate of population growth within the county or, alternatively, a sizeable, stable population; and (2) a substantial proportion of the population either living in the central municipality or in the urban fringe area. Montana has about ten counties containing urban characteristics of this nature which comprise more than one-half of the state's entire population. Thus, while a relatively limited number of Montana's counties are ideally situated to consider consolidation, their aggregate population is such as to make consolidation a significant factor in Montana local government review.

For city-county consolidation to occur, it is necessary for the city and county study commissions to meet jointly, agree upon a consolidation proposal, and then actually submit the governmental plan to the county's voters. A simple majority of those voting on the question must favor the proposal for it to be

adopted. Citizens confronted with the possibility of consolidation naturally want to know what advantages may be gained from consolidation. Five advantages of consolidation for Montana's municipalities and counties are summarized in the following paragraphs.

First of all, the consolidation of municipal and county governments creates a single, unified government which is responsible to all of the citizens of the entire area. A consolidated government can deal more effectively with a great many problems which, in more populous areas, tend to be area-wide in scope, and not confined to the boundaries of a single municipality. For example, urban transit, emergency communications systems, law enforcement, public health, library, water supply, sewer and sewage treatment facilities, zoning, and planning are matters which affect people within an urban county regardless of particular municipal and county boundaries. A government which possesses comprehensive local jurisdiction over the entire urban area can more effectively address itself to solving such problems which are increasingly area-wide in scope. The citizens served by a unified government also have less doubt whom to hold responsible for dealing with their needs and problems.

In the second place, the unification of municipal and county government reduces substantially the number of elected officials to be chosen by the voters. The task of the voter is made easier because a shorter ballot increases the visibility of the elected, policy-making body. Typically, the elected officials whose offices are removed from the election ballot because of consolidation are responsible only for duties of an administrative character and have few, if any, policy-making duties. There is no loss of accountability because officials are appointed by, and responsible to, elected policy-making officials.

A governmental body of this type can be more representative of the views of the citizens of the area and also more responsive to their wishes. In the present system of dual local governments, authority is so fragmented that no body or group of officials can deal effectively with citizen problems. A unified local government's commission clearly would possess adequate jurisdiction to act. A smaller number of elected local officials would result in greater visibility for these officials. Citizens would be more likely to know which officials were responsible for dealing with their particular problems and would also have easier access to these officials than presently is the case.

Third, consolidation of city and county governments into a single, county-wide unified government results in greater equity for all citizens. The citizens of incorporated municipalities are taxed frequently to pay for services which often are available without charge to persons living in the urban area but residing outside the corporate limits of the municipality. Parks, streets, and libraries are examples of municipal services sometimes enjoyed by non-residents free of charge. A unified government could provide varying levels of service throughout a larger area, with taxes paid more equitably related to services used.

By consolidating their city and county governments, citizens would help eliminate the "double free-load" system which often emerges in areas where a central municipality is surrounded by an unincorporated and growing suburban "fringe" area. Such a system results in a heavy and inequitable tax burden for central municipal residents and provides extensive free benefits to residents of the suburban fringe. The issue resolves itself into a question of fundamental fairness since municipal residents not only pay city taxes to provide benefits enjoyed by suburbanites but also pay a substantial portion of county taxes which support services in the suburban fringe.

Fourth, the consolidation of separate municipal and county governments into a single, unified government produces increased efficiency in local government. Such a unified government would be in a position to attract better-qualified employees, who, in turn, would perform the administrative tasks of government more efficiently. The elimination of costly duplicating and overlapping functions in local government would also improve the quality and effectiveness of local government. For example, combining municipal and county law enforcement agencies into a single area-wide department of public safety would result in the recruitment of better qualified personnel and their more efficient utilization.

Finally, advantages of governmental economy are among the most compelling reasons for merging municipal and county units of government. When two distinct entities of government merge and pool facilities which are performing identical functions (e.g., road maintenance), significant savings to taxpayers result, or, alternatively, the quality of merged services is substantially improved. A word of caution is in order, however. Inflationary pressures and expanding popular demand for governmental services have resulted in rising costs of local government irrespective of the desire to economize. Until and unless these pressures are abated, it is unreasonable to expect even consolidation to bring immediate savings in governmental costs. What consolidation can do in this kind of situation is to keep costs from rising as rapidly as they otherwise would have risen. Savings, while less visible, are no less real.

The listing of these five advantages of consolidation does not exhaust the case for consolidation. There also are intangible benefits for communities that follow this course of reform. A sense of pride in community and the opportunity for more citizens to identify with and participate in the community constitute real, if immeasurable, gains. Closely related is the

moral obligation we assume as citizens to share equally in the costs of services from which we benefit. The costs of participation, both as involved citizens and as taxpayers, are high, but in the long run the costs of not participating are even higher.

The late distinguished Justice of the U. S. Supreme Court, Oliver Wendell Holmes, once remarked, "When I pay taxes, I buy civilization." The very word civilization connotes the city and its rise. If our civilization and its benefits are preserved for future generations to share, our urban communities will have to be governed more effectively. What strengthens them will strengthen civilization. I know of no better alternative route for strengthening our state's more populous urban centers than city-county consolidation.

ARLENE LOBLE

Every level of government provides services that are not practical or affordable for citizens to obtain on an individual basis. The Voter Review process is designed to study, and, perhaps, change the structure of the government that delivers these services at the local level. Voter Review, in addition, deals indirectly with the services themselves by providing for voter approval of a transfer or consolidation of responsibility for providing a particular service.

Most services can be transferred today without using the Voter Review process, but local governments are reluctant to take the initiative because: (1) believing local control is best, they are protective of their own administrative turf; (2) fearing the unknown, they are reluctant to initiate change; (3) they don't trust or respect the administrative ability of the "other" government involved; and (4) the benefits to the general public do not show up directly in their own budget. Thus, the main advantage of using Voter Review as a mechanism to effect service transfers is that permanent change can be mandated despite the reluctance of local officials. What is approved by the people can be undone only by a vote of the people, not by the whim of one of the governments involved.

Service transfers or consolidations offer the promise of reduced service delivery costs through the elimination of duplication. Do they actually achieve these ends? The answer unfortunately is, "it depends." The economy of scale argument says it is cheaper to provide a service to many people rather than a few because spreading the cost over larger numbers of people lowers the per capita cost (or the average cost of serving each person). In government, however, this usually holds true only for populations of up to 10,000. One reason why

economies of scale do not hold in more populated areas is that the volunteer labor that develops in small communities for delivering services but which is never counted as a cost of that service disappears as the population gets larger. But there certainly are exceptions to the rule that only the counties with populations of under 10,000 can expect to benefit from economies of scale in utilizing service transfers.

One way a service transfer or consolidation can result in absolute cost savings is through avoiding duplication of capital expenditures such as a building or equipment. If both the city and county need a new jail it obviously is less expensive to build a joint facility. A commitment to reduce duplication in one aspect of the service can lead to the consideration of total merger. For instance, should consolidation of services be considered as well as consolidation of facilities? Should the jail be a total law enforcement facility which houses separate sheriff and police departments or should some or all of the operations be combined? And should communications equipment be combined or a single filing system created for law enforcement records?

Other important advantages in utilizing service transfers go beyond cost savings and increased efficiency. These additional advantages are two-fold: increased accountability and equity in financing the cost of the service.

The Voter Review process is intended to improve access to and accountability of elected officials. When more than one government services an area, confusion exists as to who is responsible for what services. People, understandably, don't really know when they should go to the court house and when to city hall. A clear delineation of which level of government provides a particular service is a major advantage of a service transfer.

This goal helps to illustrate the important distinction between a service transfer and a service consolidation. A consolidated service is a service provided jointly by two or more units of government; a service transfer is when one level of government assumes the other government's responsibility for administering and funding a particular service. In the law enforcement example, the closer the situation comes to total consolidation, the more confused becomes the responsibility for financing (as in the case of joint records) and for administering the services (as in the case of separate communications systems operating on incompatible frequencies). In a consolidation, the lines of authority often are unclear because the service is controlled by both governing bodies.

Such a "two-headed monster" supposedly can be avoided by the use of interlocal agreements and administrative boards. These techniques, however, seldom achieve the intended results. They have only served to add to the seemingly endless number of boards, bureaus, and commissions that make up the infra structure of local government. Such bureaucracy is a major deterrent to making local government responsive and responsible.

Just because a local government service is currently offered on a consolidated basis, a study commission may assume that it really does not need to probe the adequacy of the particular service. But a study commission that is interested in responsible government should look carefully at those services currently being provided jointly or offered through special districts. These are the very ones over which elected officials, no matter what the form of government, have the least control. A service transfer, therefore, has distinct advantages over a service consolidation in creating rational service delivery structures.

Whether the service should be transferred from the county to the city or from the city to the county is a major decision.

There are advantages to each process. It would seem to make sense to transfer services from a city which serves a limited geographic area to a county which encompasses the widest possible local jurisdiction. However, two other criteria should be considered when deciding which government should assume the transfer.

One criterion divides the types of services provided into two major categories--services to property and services to people. Services to property include the types of functions most typically provided by city and town governments, such as water, sewer, garbage collection and disposal, parks and recreation, and fire and police protection. Whether these services are provided to the entire city or to residents of special improvement districts, the ultimate responsibility for administering and financing the services provided rests exclusively with the elected governing body of a city or town. Since the city has had practice with such services to property, it is probably the best choice for delivering them.

There also are physical or property type services provided at the county level, but usually through special districts that service the property in a limited area. These districts' lines are typically overlapping, and therefore any individual piece of property may be subject to the jurisdiction of many special districts. By transferring all property type services, particularly those within the suburban area, to the city, each level of government could provide centralized administration. The financing of the services could be based solely on the services received. City and non-city residents alike would pay only for the level of services actually received, and much of the confusion that exists because of the overlapping special districts would be avoided.

Services to people are those services that are not fixed directly to the property but are based on serving the public

itself. Examples of these services include social services, welfare, public health, libraries, and the court system. These are services that should be delivered and administered at the county level because they pertain to needs that are common to all residents regardless of where they live, and they are paid for equally by those residents. It is the county which has the responsibility, often as the agent of the state, for providing these people services. So even though the greatest demand for the services may be in the city where there is the greatest population concentration, the county may still be the logical choice for delivering a transferred service to people.

Another criterion for determining to whom responsibility for the service should be transferred is that of the current, dominant provider of the service. This criterion would probably assign property services to the city and people services to the county, the current dominant providers. Some services like law enforcement fail to fit conveniently into the pattern. Since both the city and the county have been dominant law enforcement providers, responsibility might be divided between them. Instead of transferring law enforcement services in total, certain responsibilities might be assigned to each level. For example, the jail and criminal records could become the sole responsibility of the county sheriff and patrol and investigation could become the responsibility of the city police department.

If all of the services of local government are assigned to one or another level of government according to the rationale in this paper, the result would be a confederated government. Although the concept of confederation makes sense in terms of creating a responsible and equitably financed system of local government, it has failed to gain the support of even one study commission. Study commissions probably realize that however ideal a confederation may be, it would be fought by status quo interests, such as rural fire districts. Since each individual

service transfer is likely to stimulate the opposition of a few groups, the concept of confederation faces considerable opposition. Study commissions will have to look at one or two services that have the potential of becoming more effective through transfer and which can obtain the necessary political support. In the short run, therefore, the service transfer approach might be the most practical answer. It could be the first step to rational service delivery.

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